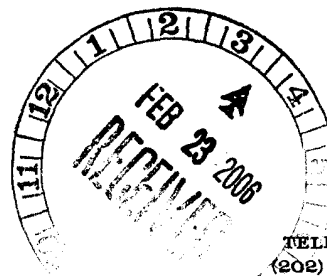


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February 23, 2006

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BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board - Case Control Unit
1925 K Street, N.W.
Washington, D. C. 20423

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Re: Finance Docket No. 34839
Norfolk Southern Railway Company – Control and Consolidation
Exemption – Algiers, Winslow and Western Railway Company

Dear Secretary Williams:

On February 14, 2006, Norfolk Southern Railway Company ("NS") filed a petition for exemption from the prior approval requirements of 49 U.S.C. § 11323 for its acquisition of a 50 percent interest in the Algiers, Winslow and Western Railway Company.

Cinergy Corp. ("Cinergy") has concerns about the proposed acquisition transaction from the standpoint of future rail service to its coal-fired electric generating facilities in Indiana. Cinergy intends to file Comments with the Board concerning the proposed exemption pursuant to 49 C.F.R. § 1121.4(a) on or before March 13, 2005. The purpose of this letter is to request the Board not to rule on NS's petition for exemption until it has received and considered Cinergy's Comments.

Sincerely,

Christopher A. Mills
An Attorney for Cinergy Corp.

CAM:jml

cc: Shannon M. Moyer (counsel for NS)